

**Appl. No.** : 10/771,176  
**Filed** : February 3, 2004

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the February 10, 2006 Office Action. Applicants affirm the provisional election, made on January 20, 2006, by Applicants' representative, Bruce S. Itchkawitz, in a telephone call with the Examiner, to Group I, Claims 1-52.

Claims 1, 46, 50, and 52 are currently amended, and Claims 2 and 53 are canceled without prejudice. Thus, Claims 1 and 3-52 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

#### **Information Disclosure Statement**

Filed herewith is an information disclosure statement that includes the foreign and non-patent literature references from previous information disclosure statements that were inadvertently not included.

#### **Response to Rejection of Claims 1, 3, 21-23, 28-29, 46, and 50-51 Under 35 U.S.C. § 102(b)**

In the February 10, 2006 Office Action, the Examiner rejects Claims 1, 3, 21-23, 28-29, 46, and 50-51 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,840,653 issued to Rabinovich.

#### **Claims 1, 46, and 50**

Applicants have amended Claims 1, 46, and 50. Applicants submit that each of amended Claims 1, 46, and 50 includes limitations not disclosed by Rabinovich. For example, Rabinovich fails to disclose "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claims 1, 46, and 50. Therefore, Applicants respectfully submit that amended Claims 1, 46, and 50 are patentably distinguishable over Rabinovich, and Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 46, and 50 and pass Claims 1, 46, and 50 to allowance.

#### **Claims 3, 21-23, 28-29 and 51**

Claims 3, 21, and 28 depend from amended Claim 1, Claim 22-23 depend from Claim 21, and Claim 29 depends from Claim 28. Thus, each of Claims 3, 21-23, 28-29 includes all of the limitations of Claim 1, as well as other limitations of particular utility. Claim 51 depends from currently amended Claim 50, and thus Claim 51 includes all of the limitations of Claim 50, as well as other limitations of particular utility. For at least the reasons stated above with respect to

**Appl. No.** : 10/771,176  
**Filed** : February 3, 2004

amended Claims 1 and 50, Applicants submit that Claims 3, 21-23, 28-29, and 51 are patentably distinguishable from Rabinovich. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of Claims 3, 21-23, 28-29, and 50 and pass these claims to allowance.

**Response to Rejection of Claim 52 Under 35 U.S.C. § 102(b)**

In the February 10, 2006 Office Action, the Examiner rejects Claim 52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,364,428 issued to Kyoto et al. ("Kyoto"). Applicants have amended Claim 52 and Applicants submit that amended Claim 52 includes limitations not disclosed by Kyoto. For example, Kyoto fails to disclose "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claim 52. Therefore, Applicants respectfully submit that amended Claim 52 is patentably distinguishable over Kyoto, and Applicants respectfully request that the Examiner withdraw the rejection of Claim 52 and pass the claim to allowance.

**Response to Rejection of Claim 2 Under 35 U.S.C. § 103**

The Examiner rejects Claim 2 as being obvious over Rabinovich in view of U.S. Patent No. 2,092,163 to Johnson. Applicants have canceled Claim 2 without prejudice, and respectfully request that the Examiner consider the allowability of the remaining pending claims.

**Response to Rejection of Claims 4-6 and 10-13 Under 35 U.S.C. § 103**

The Examiner rejects Claims 4-6 and 10-13 as being obvious over Rabinovich in view of U.S. Patent No. 5,254,508 to Kirkbir et al ("Kirkbir"). Claim 3 depends from amended Claim 1, each of Claims 4-6 and 10 depend from Claim 3, Claim 11 depends from Claim 10, and Claim 12-13 depend from Claim 11. Thus, each of Claims 4-6 and 10-13 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich and Kirkbir. For example, both Rabinovich and Kirkbir fail to disclose or suggest "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claim 1. Thus, Claims 4-6 and 10-13 are also patentably distinguishable over Rabinovich in view of Kirkbir.

**Response to Rejection of Claims 17-18 Under 35 U.S.C. § 103**

The Examiner rejects Claims 17-18 as being obvious over Rabinovich in view of U.S. Patent No. 5,264,197 to Wang et al ("Wang"). Claims 17-18 depend from amended Claim 1.

**Appl. No.** : 10/771,176  
**Filed** : February 3, 2004

Thus, each of Claims 17-18 include all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich and Wang. For example, both Rabinovich and Wang fail to disclose or suggest "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claim 1. Thus, Claims 17-18 are also patentably distinguishable over Rabinovich in view of Wang.

**Response to Rejection of Claims 7-9, 14-16, 30, and 32 Under 35 U.S.C. § 103**

The Examiner rejects Claims 7-9, 14-16, 30, and 32 as being obvious over Rabinovich in view of Kirkbir, and further in view of Kyoto. Claims 3 and 28 depend from amended Claim 1, Claims 7 and 10 depend from Claim 3, each of Claims 8-9 depend from Claim 7, Claim 11 depends from Claim 10, Claim 14 depends from Claim 11, each of Claims 15-16 depend from Claim 14, Claim 30 depends from Claim 28, and Claim 32 depends from Claim 30. Thus, each of Claims 7-9, 14-16, 30 and 32 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich, Kirkbir, and Kyoto. For example, Rabinovich, Kirkbir, and Kyoto fail to disclose or suggest "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claim 1. Thus, Claims 7-9, 14-16, 30, and 32 are also patentably distinguishable over Rabinovich, Kirkbir, and Kyoto.

**Response to Rejection of Claims 24-25, 37-42, and 45 Under 35 U.S.C. § 103**

The Examiner rejects Claims 24-25, 37-42, and 45 as being obvious over Rabinovich in view of U.S. Patent No. 6,492,072 to Moore et al. ("Moore"). Each of Claims 21, 37-42, and 45 depends from amended Claim 1, and each of Claims 24-25 depend from Claim 21. Thus, Claims 24-25, 37-42, and 45 include all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich and Moore. For example, both Rabinovich and Moore fail to disclose or suggest "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claim 1. Thus, Claims 24-25, 37-42, and 45 are also patentably distinguishable over Rabinovich in view of Moore.

**Response to Rejection of Claims 26, 33, and 36 Under 35 U.S.C. § 103**

**Appl. No.** : **10/771,176**  
**Filed** : **February 3, 2004**

The Examiner rejects Claims 26, 33, and 36 as being obvious over Rabinovich in view of Moore and Kyoto. Each of Claims 26 and 28 depends from amended Claim 1, Claim 30 and 36 depends from Claim 28, and Claim 33 depends from Claim 30. Thus, Claims 26, 33, and 36 include all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich, Moore, and Kyoto. For example, Rabinovich, Moore, and Kyoto fail to disclose or suggest “cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C” as recited by amended Claim 1.” Thus, Claims 26, 33, and 36 are also patentably distinguishable over the combination of Rabinovich, Moore, and Kyoto.

**Response to Rejection of Claim 27 Under 35 U.S.C. § 103**

The Examiner rejects Claim 27 as being obvious over Rabinovich in view of Kyoto, further in view of Moore, and further in view of U.S. Patent No. 4,317,668 to Susa et al. (“Susa”). Claim 26 depends from amended Claim 1, and Claim 27 depends from Claim 26. Thus, Claim 27 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich, Moore, Kyoto, and Susa. For example, Rabinovich, Moore, Kyoto, and Susa fail to disclose or suggest “cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C” as recited by amended Claim 1.” Thus, Claim 27 are also patentably distinguishable over the combination of Rabinovich, Moore, Kyoto, and Susa.

**Response to Rejection of Claims 43-44 Under 35 U.S.C. § 103**

The Examiner rejects Claims 43-44 as being obvious over Rabinovich in view of U.S. Patent No. 6,550,277 to Uebbing et al. (“Uebbing”). Claims 43-44 depend from amended Claim 1. Thus, Claims 43-44 include all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed by the combination of Rabinovich and Uebbing. For example, Rabinovich and Uebbing fail to disclose or suggest “cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C” as recited by amended Claim 1.” Thus, Claims 43-44 are also patentably distinguishable over Rabinovich in view of Uebbing.

**Response to Rejection of Claims 31 and 34-35 Under 35 U.S.C. § 103**

**Appl. No.** : **10/771,176**  
**Filed** : **February 3, 2004**

The Examiner rejects Claims 31 and 34-35 as being obvious over Rabinovich in view of Kyoto, and further in view of Uebbing. Claims 31 and 34-35 depend from amended Claim 1. Thus, Claims 31 and 34-35 include all the limitations of Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich, Kyoto, and Uebbing. For example, Rabinovich, Kyoto, and Uebbing fail to disclose or suggest “cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C” as recited by amended Claim 1.” Thus, Claims 31 and 34-35 are also patentably distinguishable over the combination of Rabinovich, Kyoto, and Uebbing.

**Response to Rejection of Claims 19-20 Under 35 U.S.C. § 103**

The Examiner rejects Claims 19-20 as being obvious over Rabinovich in view of U.S. Patent No. 4,789,389 to Schermerhorn et al. (“Schermerhorn”), and further in view of U.S. Patent Publication No. 2003-0226996 to Aramaki et al. (“Aramaki”). Claims 19-20 depend from amended Claim 1. Thus, Claims 19-20 include all the limitations of Claim 1, as well as other limitations of particular utility. Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of Rabinovich, Schermerhorn, and Aramaki. For example, Rabinovich, Schermerhorn, and Aramaki fail to disclose or suggest “cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C” as recited by amended Claim 1.” Thus, Claims 19-20 are also patentably distinguishable over the combination of Rabinovich, Schermerhorn, and Aramaki.

**Response to Rejection of Claims 47-48 Under 35 U.S.C. § 103**

The Examiner rejects Claims 47-48 as being obvious over Rabinovich in view of Kyoto and Moore. Claim 47 depends from amended Claim 46, and Claim 48 depends from Claim 47. Thus, Claims 47-48 include all of the limitations of Claim 46, as well as other limitations of particular utility. Applicants submit that amended Claim 46 includes limitations not disclosed or suggested by the combination of Rabinovich, Kyoto, and Moore. For example, Rabinovich, Kyoto, and Moore fail to disclose or suggest “cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C” as recited by amended Claim 46.” Thus, Claims 26 and 36 are also patentably distinguishable over the combination of Rabinovich, Kyoto, and Moore.

Appl. No. : 10/771,176  
Filed : February 3, 2004

**Response to Rejection of Claim 49 Under 35 U.S.C. § 103**

The Examiner rejects Claim 49 as being obvious over Rabinovich in view of Kirkbir. Claim 49 depends from amended Claim 46. Thus, Claim 49 includes all of the limitations of Claim 46, as well as other limitations of particular utility. Applicants submit that amended Claim 46 includes limitations not disclosed or suggested by the combination of Rabinovich and Kirkbir. For example, Rabinovich and Kirkbir fail to disclose or suggest "cooling the solution to a mixture temperature which is approximately equal to or less than -25 °C" as recited by amended Claim 46. Thus, Claim 49 is also patentably distinguishable over Rabinovich and Kirkbir.

**Summary**

For the foregoing reasons, Applicants submit that Claims 1 and 3-52 are in condition for allowance, and Applicants respectfully request such action.

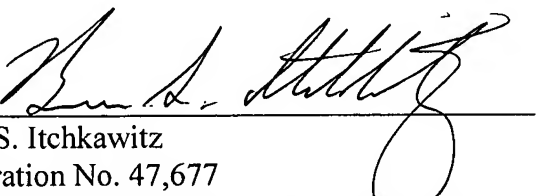
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Respectfully submitted,

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